



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 12 2013

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION and REQUEST FOR INFORMATION

Mr. Ed Sutich
General Manager and Vice President
Hecla Lucky Friday Mine and Mill
P.O. Box 31
Mullan, Idaho 83846

Re: June 5, 2012, and November 26, 2012, NPDES Compliance Inspections
NPDES Permit Number ID-000017-5 and MSGP Tracking No. IDR05C290

Dear Mr. Sutich:

On June 5, 2012, and November 26, 2012, the U.S. Environmental Protection Agency (EPA) inspected Hecla Ltd.'s Lucky Friday Mine (Hecla) to determine its compliance with the Clean Water Act (Act) and Hecla's National Pollutant Discharge Elimination System (NPDES) permits, NPDES Permit Number ID-000017-5 (Permit) and the Multi-Sector General Permit for Industrial Activities (MSGP) Tracking No. IDR05C290. I would like to express my appreciation for your company's time and cooperation during the inspections.

During the June 2012 inspection, EPA's inspector observed turbid stormwater discharges entering Daisy Creek. Turbidity was measured at 50 NTU, just below an exceedance of water quality standards. We understand that the damaged berm was quickly fixed which stopped the discharge. Please ensure that all best management practices (BMPs) are in working condition.

VIOLATIONS

The November 2012 inspection was conducted as a followup to a complaint. According to the complaint, on or about October 15 or 16 and also November 20 or 21, turbid stormwater discharges from Hecla's borrow site (used for construction of Tailings Pond #4) entered the Little North Fork and impacted a downstream hatchery. MSGP Part 2.1.2.5 states, "You must stabilize exposed areas and contain runoff using structural and/or non-structural control measures to minimize onsite erosion and sedimentation, and the resulting discharge of pollutants." MSGP Part 2.1.2.6 states, "You must divert infiltrate, reuse, contain, or otherwise reduce stormwater runoff, to minimize pollutants in your discharges." Based on photos, the inspector's observations, and follow-up reports and discussions, Hecla failed to use adequate structural control measures to minimize erosion and sedimentation and failed to reduce stormwater runoff from the borrow site. This resulted in the discharge of turbid water, i.e., pollutants, into the Little North Fork. These are violations of MSGP Part 2.1.2.5 and Part 2.1.2.6.



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MSGP Appendix B Part F.1. states, "You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances." Hecla failed to report in a timely manner the October 15-16 and November 20-21 non-compliance events which impacted a downstream hatchery and its domestic water supply. These are violations of MSGP Appendix B Part F.1.

INFORMATION REQUEST

While EPA has had discussions with your staff about upgrades made at Tailings Pond #4 construction site, including diversion ditches and Hecla's rental of a filtration system, EPA remains concerned about stormwater discharges during the spring melt into the Little North Fork, a tributary of the South Fork Coeur d'Alene River, a water of the U.S. In exercising its responsibilities under the Clean Water Act, EPA requests information from Hecla. EPA is authorized to make this Information Request pursuant to Section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318. EPA requires this information to evaluate whether Hecla is in compliance with the Act.

Your response to Parts 1-3 of this Information Request must be postmarked within thirty (30) days of receipt of this letter. Submit Parts 4 and 5 as specified below. All responses must be submitted to the following addresses:

Original to: Eva DeMaria
U.S. Environmental Protection Agency
NPDES Compliance Unit
1200 Sixth Avenue, Suite 900 (OCE-133)
Seattle, WA 98101-1128

Copy to: Daniel Redline
Idaho Department of Environmental Quality
2110 Ironwood Parkway
Coeur d'Alene, ID 83814

1. Develop a stormwater sampling plan to measure the impacts of Hecla's discharges from Tailings Pond #4 construction site to surface waters. The plan must include turbidity sampling of surface waters both upstream and downstream of construction activities near and around all surface waters, including, but not limited to, Little North Fork. A representative sample of the discharge itself must be taken at approximately the same time as the upstream and downstream samples. The upstream sample must be taken above the point where soil from the construction site would impact water quality (i.e., above any disturbance). The downstream sample must be immediately below, but within 20 feet of the representative sample. Sampling sites may be amended (or added) with the changing conditions of construction and/or industrial activity.

Sampling must begin when there is a discharge(s) from the construction site into surface waters. If turbidity samples exceed Idaho Water Quality Standards, sampling shall continue daily thereafter until compliance with the Standards are achieved. Sampling shall commence immediately, and extend to at least June 30, 2013. If sampling results show exceedances of state water quality standards, EPA may, at its discretion, extend the monitoring period under this information request. If adverse weather conditions (i.e., those which are dangerous or create

inaccessibility for personnel) prevent the collection of samples, Hecla shall collect samples when weather conditions allow. In such cases, a detailed explanation of the reason sampling could not be performed shall be prepared and kept with the analytical results for that day.

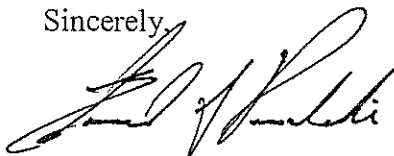
2. Include with the plan a map identifying the sampling locations and their proximity to surface waters, the name of each surface water, and direction of flow.
3. Develop a quality assurance plan (QAP) to assist in planning for the collection and analysis of the samples. Samples shall be analyzed according to procedures approved under 40 CFR Part 136 (in particular, Standard Methods 2130 B for turbidity).
4. On a monthly basis, you must submit your sampling results, identifying the date, location, and result of each sampling event during each calendar month. Monthly sampling summaries must be received at the EPA and IDEQ addresses provided in this letter by the 15th day of the month following the sampling. The last submission date would be July 15, 2013, unless modified by a subsequent request.
5. Along with the sampling results submitted pursuant to number four above, Hecla shall provide to EPA and IDEQ copies of all inspection reports conducted under the terms of EPA's Construction General Permit (CGP) and/or MSGP. The first submission should include all inspection reports conducted under the CGP and/or MSGP since October 1, 2012.

The failure to provide all the information requested, the failure to adequately explain the basis for such failure, or the making of any false material statement or representation in response to this Request for Information constitutes a violation of Section 308 of the Act, 33 U.S.C. § 1318, and may result in an enforcement action and the imposition of civil and/or criminal penalties or fines pursuant to Section 309 of the Act, 33 U.S.C. § 1319, and Title 18 of the United States Code, 18 U.S.C. § 1001.

Although the information requested must be submitted to EPA, you are entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. If EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this letter or other matters related to your compliance with environmental laws, please contact Eva DeMaria, Compliance Officer, at (206) 553-1970. If you have any legal questions, please contact Cara Steiner-Riley, Assistant Regional Counsel, at (206) 553-1142.

Sincerely,



Edward J. Kowalski
Director

cc: Daniel Redline, IDEQ-Coeur d'Alene Office

